IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.8256 OF 2003

Mr.Anilkumar Patil for the Petitioner.

Mr.A.R.Shaikh for Respondents Nos. 1 to 3, 6 & 7.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	CORAM: D.K.DESHMUKH, J.
	DATED: 27TH APRIL,2005

P.C.:

By this petition the Petitioner challenges the order passed by the trial court rejecting the application for amendment in the plaint. The trial court, in my opinion, has rightly found that by the proposed amendments the Petitioner is trying to change the entire nature of the suit. Perusal of the prayer clause of the suit shows that the Plaintiff was seeking

an order of permanent injunction restraining the Defendant from encroaching on the public road which adjoins the property of the Plaintiff. Now, by the amendment, the relief that is sought is for removal of the encroachment on the land of the Plaintiff. This clearly drastically changes the nature of the suit. Therefore, no fault can be found with the order of the trial court rejecting the application for amendment in the plaint. Petition is, therefore, rejected.

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